



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF APRIL 13, 2006**

CALL TO ORDER: Chairperson Lydon called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Lydon, Commissioners Chan, Chugh, Harrison, King, Lorenz, and Sharma

ABSENT: None

STAFF PRESENT: Barbara Meerjans, Senior Planner  
Prasanna Rasiah, Deputy Senior City Attorney  
Gustavo Gonzalez, Zoning Technician  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Miriam Shallit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of February 23, 2006 were approved as submitted.

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 2, AND 3.

IT WAS MOVED (KING/HARRISON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1, 2, AND 3.

**Item 1. WARM SPRINGS VILLAGE – 48921–48973 Warm Springs Boulevard – (PLN2006-00151)** - to consider Vesting Tentative Tract Map 7693, Preliminary Grading Plan and Private Street for 342 housing units at the southwest corner of Kato Road and Warm Springs Boulevard in the Warm Springs Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

**HOLD PUBLIC HEARING;**

**AND**

**FIND THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**FIND THAT THE MITIGATED NEGATIVE DECLARATION PREPARED AND CIRCULATED FOR THE PROJECT ADEQUATELY ADDRESSES POTENTIAL IMPACTS ARISING FROM THE PROPOSED PROJECT AND THE IDENTIFIED MITIGATION MEASURES WILL REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

AND  
APPROVE THE MITIGATION MONITORING PLAN FOR THE PROJECT (PLN2006-00151);  
AND  
FIND VESTING TENTATIVE TRACT MAP 7693, PRIVATE STREET AND PRELIMINARY GRADING PLAN ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;  
AND  
APPROVE VESTING TENTATIVE TRACT MAP 7693, PRIVATE STREET AND PRELIMINARY GRADING PLAN AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

- Item 2. **ON LOK SENIOR HEALTH SERVICES – 159 Washington Boulevard – (PLN2006-00185)** – to consider a Conditional Use Permit Amendment for a 744 square foot interior expansion of an existing 2,377 square foot adult day care center located on the ground floor of the Sisters of the Holy Family's "Motherhouse" building in the Mission San Jose Planning Area. The project is categorically exempt from environmental review, per CEQA Guidelines Section 15301 (Existing Facilities).

HOLD PUBLIC HEARING;

AND  
FIND THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15301 OF THE CEQA GUIDELINES AS A MINOR ALTERATION OF AN EXISTING FACILITY;

AND  
FIND THE CONDITIONAL USE PERMIT AMENDMENT IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND  
APPROVE CONDITIONAL USE PERMIT AMENDMENT PLN2006-00185 TO PLN2002-00188, AS SHOWN ON EXHIBIT "A", SUBJECT TO THE FINDINGS AND CONDITIONS ON EXHIBIT "B".

- Item 3. **MINJIAN HAND HEALING INSTITUTE – 39055 Hastings Street #208 – (PLN2006-00193)** – to consider a Conditional Use Permit application for the relocation of a massage training school to a 1,473 square foot tenant space located in the Central Business District. The project is categorically exempt from environmental review, per CEQA Guidelines Section 15301 (Existing Facilities).

#### **MODIFICATIONS TO STAFF REPORT**

##### **EXECUTIVE SUMMARY**

The applicant is requesting approval of a Conditional Use Permit for the relocation of a massage training school to a 1,473 square foot tenant space located at an existing commercial building.

##### **Project Description: Page 3, paragraph 2**

The massage training use will be conditioned so that ~~students~~ no one, including students and instructors, will ~~not~~ be permitted to administer massages to the public at this establishment (Condition C-5).

The first sentence of paragraph two in the Project Description of the Staff Report has been changed to coincide with the change to Condition C-5. (see below)

## **MODIFICATION TO FINDINGS AND CONDITIONS OF APPROVAL**

C-5 ~~Students will not be permitted to administer massages to the public at this establishment until all of the requirements have been completed for them to acquire a Massage Technician Permit from the City Licensing Authority. No one, including students and instructors, shall be permitted to administer massages to the public at this establishment.~~

**Chairperson Harrison** asked if the applicant had approved the above modifications.

**Senior Planner Meerjans** replied that they agreed with the modifications.

**Commissioner Sharma** noted that he had questioned the original wording of the condition, and he agreed with the change.

**HOLD PUBLIC HEARING;**

**AND**

**FIND THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15301 OF THE CEQA GUIDELINES AS A MINOR ALTERATION OF AN EXISTING FACILITY;**

**AND**

**FIND THE CONDITIONAL USE PERMIT IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**APPROVE CONDITIONAL USE PERMIT PLN2006-00193, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES:	7 – Chan, Chugh, Harrison, King, Lorenz, Lydon, and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

**Cliff Williams**, Fremont resident, inquired about the status of the extension of Fremont Boulevard to Dixon Landing Road.

**Chairperson Lydon** promised that staff would contact him with the answer to his question.

**Senior Planner Meerjans** stated that several months ago, an extension of the tentative tract map had been approved, which would implement the Fremont Boulevard extension. The actual construction would probably proceed in approximately four years or longer. Studies were still being performed.

**PUBLIC HEARING ITEMS** - None

## MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- **SAVE THE DATE:** Brown Act Training on April 24, 2006 (see memo)  
The Commissioners acknowledged receipt of the memo.
- Report on actions of City Council Regular Meeting
  - St. Joseph's unanimously approved.
  - Summerhill/Walnut Avenue Concept Plan approved. Summerhill would bring the precise plan back to the Planning Commission at a later date.
  - Irvington Village II, Castilleja, and Warm Springs Village planned districts approved.
  - Green Building study session held.

City Council was working on a goal-setting process and would like to meet with the Planning Commission afterwards sometime in late summer/early fall.

**Commissioner Chugh** asked if summer would be the earliest that a Planning Commission/City Council dialogue could occur.

**Senior Planner Meerjans** agreed.

**Commissioner Chugh** requested that a meeting be scheduled as soon as possible, preferably in early summer rather than at the end of summer. It was important that priorities and goals were consistent and that a clear understanding was had concerning the issues that the City needed to focus on.

**Senior Planner Meerjans** stated that staff could look into the timing of a meeting, and she promised to pass that information along to the Commission.

**Chairperson Lydon** agreed with **Commissioner Chugh's** request, as the City Council's direction would help to give clarity for future issues that were coming before the Commission.

- Information from Commission: Commission members may report on matters of interest.

**Commissioner Lorenz** stated that he and Commissioners Chan and Chugh had attended the Planners Institute held in Monterey in March, and he found it to be an outstanding value. He believed their attendance had made them better Commissioners and better prepared to make decisions. He had several publications that he offered to lend to any interested Commissioners. He read an important excerpt from one of them, "The best new towns and the most successful downtown redevelopment projects take their cues from real places. They also accommodate modern expectations: adequate parking, smooth traffic flow and retailers requirements without forgetting time-tested place making principles. They don't let cars drive the planning process or allow big box shopping center developers to write the zoning codes."

**Vice Chairperson Chan** agreed that it was a very rewarding experience to meet with other Planning Commissioners throughout the state. She noted that it seemed that most Planning Commissions had the same problems as the City of Fremont was facing, such as, what types of projects to approve, redevelopment, infill, mixed use. She hoped to apply what she had learned to future projects.

**Commissioner Chugh** concurred. The issues that the City of Fremont was facing were the same ones that most cities were facing and smart growth was another of the important "buzz words" used.

He was optimistic about promoting a sense of engagement, which would encourage the community to participate in the planning process in very creative ways. He felt that most important was the relationship among the City Council, the Planning Commission and staff and how a sense of dialogue could be created. He asked that the Chairperson contact the City Council concerning a meeting with the Council.

**Commissioner Sharma** asked about the news that the A's might relocate to Pacific Commons.

**Senior Planner Meerjans** acknowledged that many newspaper articles had appeared. She understood that the City Manager had held meetings with the A's owner regarding property in Pacific Commons that Cisco had under lease.

**Vice Chairperson Chan** asked when the Architectural Review Board, now called the Design Review Board, had last been active and why was it no longer in existence.

**Senior Planner Meerjans** recalled that a Site Plan and Architectural Review Board had existed during the late 1980s through the early 1990s. A combination of cutbacks in staff and the perception that review by the Board added cost and time for the applicants had contributed to its demise.

**Vice Chairperson Chan** asked what the likelihood was of the Design Review Board being reestablished.

**Senior Planner Meerjans** replied that the City Council would have to decide to establish another Board. The Board had operated much like the Historical Architectural Review Board did at this time.

**Commissioner Chugh** asked if the Board no longer operated because of staffing. His attendance at the Planners Institute had caused him to wonder why the City of Fremont no longer had a Design Review Board. He was interested in learning where architectural review occurred in the process. He understood that cost was a reality, but he wondered if it might be a good idea to bring in the expertise that could help to define a good (or not so good) development. Did staff fulfill that role in this interim period or was it the Commissioners responsibility to become more sensitive to good development?

**Senior Planner Meerjans** explained that the Board had consisted of five appointed members with one staff member appointed to support the Board. Meetings were held during a weekday. Current projects that simply go through Development Organization for building permit plan check were the kinds of projects that had been heard by the Board. The size of the project dictated whether the Board would review it. Sometimes, other staff-level projects that were not heard by the Planning Commission had been reviewed by the Board. At the present time, Staff provided design review, and staff could refer projects to the Commission, if staff and the applicant could not come to an agreement.

**Commissioner Lorenz** commented, humorously, that the knowledge gained by the Commissioners who attended the Planners Institute could be dangerous.

**Commissioner Sharma** remembered the same question coming up when he had attended the Planners Institute when he was a new member of the Commission. Staff was doing a great job and their requirements were consistent with the vision the City had for its future. A Design Review Board would have to consist of architects and engineers who had the same vision for the City. Today, those people were part of the City's staff. A Board would add another layer to the checks and balances. He believed that staff and the Planning Commission were doing the same job just as well.

**Commissioner Chugh** stated that he was not implying that staff was not doing a great job, as he relied on their recommendations when making a decision. Nevertheless, somewhere along the line, he wanted a clear definition of what was a "good project," so that when it came before the Commission, it had already met those predetermined definitions, which would be in the best interest

of everyone. He would still like to see “that level of clarity, whether it’s another Board, another Commission, another bureaucracy, community activist background, professionals, paid staffers, consultants.”

**Chairperson Lydon** suggested that **Commissioner Chugh’s** thoughts could provide a good discussion with City Council, so that they had a clearer understanding of what this body was thinking, and the Commission would have a better understanding of the Council’s thinking. However, no signal should be sent to the development community, in any way, shape or form, that the City was trying to create artificial barriers or add more hoops for them to jump through. He agreed with **Commissioner Chugh** that the Commission was here to make a better community, one that would stand long after what was approved by the Commission. He suggested that the City Council should be informed of this interest, so that the Council was not surprised when it was brought up during the joint meeting.

**Vice Chairperson Chan** asked how the recently approved upgrade of City standards would be implemented.

**Senior Planner Meerjans** replied that the upgraded standards for city streets and landscaping would be applied to new projects. At this time, she was uncertain how the interface would happen with the old and new projects. She offered to look into it and report back at a later date.

Meeting adjourned at 7:30 p.m.

SUBMITTED BY:

Alice Malotte  
Recording Clerk

APPROVED BY:

Barbara Meerjans, Secretary  
Planning Commission